

**March 26, 2007**

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**I. Call to Order/Roll Call**

Selectmen Vice Chairman John Hess opened the Regular Meeting of the Board of Selectmen at 7:05 PM on March 26, 2007 in the Selectmen's Conference Room at the Town Offices. Present from the Board of Selectmen: Chairman, Alex J. Vispoli and members Mary K. Lyman, John P. Hess, Brian Major and Ted Teichert. Also present: Town Manager Reginald S. Stapczynski. The meeting was duly posted and cablecast live.

**II. Opening Ceremonies**

Selectman Hess led the members in a Moment of Silence followed by the Pledge of Allegiance.

**III. Communications/Announcements/Liaison Reports**

- Town Manager Buzz Stapczynski announced that:
  - ~ Election Day is Tuesday, March 27, 2007. Voting will take place in the Field House at Andover High School from 7:00 A.M. to 8:00 P.M.
  - ~ The Annual Town Meeting will be held on Monday, April 23<sup>rd</sup> and Tuesday, April 24<sup>th</sup> at the Field House and on Monday, April 30<sup>th</sup> at the Collins Center. If needed, the meeting will conclude on Tuesday, May 1<sup>st</sup> at the Collins Center.
- Selectman Major said the Public Forum for the Youth Center will be held on Thursday at 7:00 PM in the Senior Center with a second Public Forum on Friday morning at 9:00 AM in the Selectmen's Conference Room.
- Selectmen Lyman, Teichert, Major and Vispoli wished outgoing Selectman Hess well and said how much they enjoyed working with him. Selectman Hess thanked everyone and it was a pleasure serving on the Board for the past ten years.
- Selectman Lyman said members of the Board and the Finance Committee are invited to participate in a game of dodge ball at the Knights of Columbus on Brook Street with Andover and North Andover students in Grades 4-8 and the North Andover Selectmen.

**IV. Citizens Petitions and Presentations**

Barbara Kennedy who owns a business at 39 Pearson Street and Pamela Thomas who resides at 39 Pearson Street, are concerned about what will happen to them if the Town purchases the property. They would like to know when they would have to vacate the premises and where Ms. Thomas would live. Selectman Lyman suggested she contact the Andover Housing Authority. The Town Manager said if the Town does purchase the property it would take approximately two to three months before due diligence is complete.

**V. Public Hearing**

**A. Laying Out of Streets – Continued Public Hearing**

The continued public hearing was opened to consider **Warrant Article #63** – the laying out of Stirling Street and Whittemore Terrace. Selectman Major motioned that the Board recommend

approval to layout Stirling Street and Whittemore Terrace. The motion was seconded by Selectman Hess, voted and approved 5-0.

**VI. Regular Business of the Board**

**A. Special Town Meeting**

The Town Manager recommended the Board not sign the Special Town Meeting Warrant at this time. They are still working with the Department of Public Works on how to fund the repairs for the bridges at Stevens Street and Balmoral Street and with the School Department on the repairs to West Elementary School and Bancroft School.

**B. School Resource Officer**

Police Chief Brian Pattullo asked the Board to support the request for a School Resource Office at the Greater Lawrence Technical High School. The Technical School has offered to fund the base pay of the officer (\$40,000). The Town of Andover would be responsible for expenses over the base pay. The Officer would be based at the Technical School during the school day and the Town would have access to the officer when school is not in session. The State statute requires the School Resource Officer be from the Town the school is located in.

Selectman Lyman motioned to recommend approval to proceed with the concept to fund a School Resource Officer for the Greater Lawrence Technical High School with information on final contract with net cost to the Town received before the budget is voted on at Town Meeting and funds will appear in line item 5805 as a receipt from a grant transferred into the Police Department Budget. The motion was seconded by Selectman Hess, voted and approved 5-0.

**C. 2007 Annual Town Meeting Warrant Articles**

**Article #21 – Mutual Aid for Health Emergencies**

After discussion, Selectman Hess voted to recommend approval of Warrant Article #21. The motion was seconded by Selectman Major, voted and approved 5-0.

**Article #32 – GBL Amendment – Section 21 – Soliciting**

Chief Pattullo explained that the amendment, modeled after the State By-law, would allow residents to post a no solicitation sign on their property if they wish. The solicitation law does not apply to religious or non-profit organizations. The article was previously approved so no vote was needed.

**VI. Regular Business of the Board (Cont.)**

**C. 2007 Annual Town Meeting Warrant Articles (Cont.)**

**Article #56 – Off-Street Parking**

After discussion, Selectman Hess motioned the Board recommend approval of Article 56. The motion was seconded by Selectman Teichert, voted and approved 4-1. Selectman Lyman was opposed.

**Article #42 – Building and Property Maintenance Code**

Representing the neighbors on Kirkland Drive, Ken Hyde distributed copies of the proposed by-law to the Board. Mirroring a Methuen, Massachusetts By-law, they are proposing an enforcement officer position or similar be established under the Department of Health to work

with property owners if their property is deemed to be a public health hazard or nuisance. After much discussion, the Board of Selectmen decided to hold their decision on this article, and requested a weekly update of the status of the property in question. The Board of Health will continue to pursue their efforts and the Town Manager will look to see what tools might already be in place to enforce the clean up of the property.

**Article #43 – Accept MGL CH41, Sec 100B – Injury in the Line of Duty**

After discussion, Selectman Lyman motioned to recommend approval of Article 43. The motion was seconded by Selectman Major, voted and approved 4-0-1. Selectman Teichert abstained.

**Article #2 – Election not required by ballot**

After discussion, Selectman Teichert motioned to recommend approval of Article 2. The motion was seconded by Selectman Lyman, voted and approved 5-0.

**Article #13 – Stabilization Fund**

After discussion, Selectman Major motioned to recommend approval of Article 13 to move two million dollars of free cash into the Stabilization Fund. The motion was seconded by Selectman Lyman, voted and approved 4-1. Selectman Hess opposed.

**Article #15 – School Roof Replacement Program – 1-Year Plan**

After discussion, Selectman Major motioned to recommend approval of Article 15. The motion was seconded by Selectman Teichert, voted and approved 4-1. Selectman Hess opposed.

**Article #16 – School Roof Replacement Program – 5-Year Plan**

After discussion, Selectman Lyman motioned to recommend withdrawal of Article 16. The motion was seconded by Selectman Major, voted and approved 4-1. Selectman Hess opposed.

**Article #17 – Sidewalk Reconstruction**

After discussion, the Board decided to hold on making a recommendation at this time.

**VI. Regular Business of the Board (Cont.)**

**D. 2007 Annual Town Meeting Warrant Articles (Cont.)**

**Article #33 – Community Preservation Act**

After discussion, Selectman Hess motioned to recommend approval of Article 33. The motion was seconded by Selectman Lyman. The vote was 2-3, motion failed.

Selectman Major motioned not to recommend approval of Article 33. The motion was seconded by Selectman Teichert, voted approved 3-2. The motion passes.

**Article #35 – Vehicle Replacement**

The Town Manager provided an update on the Vehicle Replacement Article. The article was previously voted on. No action required.

**Article #45 – Rezoning**

No action taken.

**Article #53 – Wetlands Protection Bylaw**

Selectman Major motioned to withdraw Article #53. The motion was seconded by Selectman Lyman, voted and approved to withdraw 5-0.

**Article #59 – GBL Amendment – Notice to Direct Abutters of Zoning Changes**

Selectman Teichert motioned to not recommend approval of Article #59. The motion was seconded by Selectman Major, voted and approved 5-0.

**Article #60 – Stormwater Management**

On hold.

**Article #61 – CH 55/Acts of 2006 Increase Accidental Death Benefit**

Selectman Lyman voted to recommend approval of Article 61. The motion was seconded by Selectman Major, voted and approved 5-0.

**Article #64 – Upgrades to Shawsheen Pumping Station**

Selectman Hess voted to recommend approval of Article 64. The motion was seconded by Selectman Teichert, voted and approved 5-0.

**D. Board to set meeting dates for April, May and June**

The Board discussed possible meeting dates for the Tri-board as well as the Regular Meeting of the Board of Selectmen. No definite dates were set.

**VII. Approval of Consent Agenda Items**

**A. Appointments and Re-appointments**

Selectman Hess made a motion, seconded by Selectman Lyman to approve the following appointment. The motion was voted and approved 5-0.

| <u>Department</u>         | <u>Position</u>       | <u>Rate</u> | <u>Effective Date</u> |
|---------------------------|-----------------------|-------------|-----------------------|
| <u>COMMUNITY SERVICES</u> |                       |             |                       |
| Elix A. Korte             | Sports Assistant – PT | C2A         | 3/15/07               |

**B. Larry Robinson Race/Walk**

Selectman Hess made a motion to approve the request by Roy K. Dennehy, Race Director for the Larry Robinson Race/Walk, to conduct their annual event through the streets of Andover on Sunday, November 11, 2007 beginning and ending at Andover High School. The race will begin at 9:00 A.M. Arrangements have been reviewed and approved with conditions by the Police Department. The motion was seconded by Selectman Major voted and approved 5-0.

**VIII. Approval of Minutes from Previous Meetings**

Selectman Hess made a motion to approve the Minutes of the March 12, 2007 Joint Meeting

with the Finance Committee. The motion was seconded by Selectmen Lyman. The motion was voted and approved 5-0.

**IX. Sewer Commissioners**

Selectmen Hess voted to adjourn the Regular Meeting of the Board of Selectmen and reconvene as Sewer Commissioners. The motion was seconded by Selectman Lyman. Roll call vote: M. Lyman-Yes, T. Teichert-Yes, A. Vispoli-Yes, J. Hess-Yes, B. Major-Yes. The motion was voted and approved 5-0.

Selectmen Hess voted to approve the request for connection to the new sanitary system as presented. Selectmen Major seconded the motion. The motion was voted and approved 5-0 for the following:

173 Holt Road – TM 60, TL 36

Selectmen Hess voted to approve the request for connection to the existing sanitary system as presented. Selectmen Major seconded the motion. The motion was voted and approved 5-0 for the following:

86 Lowell Street – TM 71, TL 2-A

176 River Road – TM 166, TL 8

**IX. Sewer Commissioners (Cont.)**

Selectmen Hess voted to adjourn the Sewer Commission and reconvene to the Regular Board of Selectmen Meeting. The motion was seconded by Selectman Major. Roll call vote: M. Lyman-Yes, T. Teichert-Yes, A. Vispoli-Yes, J. Hess-Yes, B. Major-Yes. The motion was voted and approved 5-0.

**X. Adjournment**

A motion was made by Selectman Hess and seconded by Selectmen Major to adjourn the meeting. The vote was 5-0 to approve the motion. The meeting adjourned at 10:15 PM.

Respectfully submitted,

*Dee DeLorenzo*

Dee DeLorenzo, Recorder